

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

952W TV
UNITED STATES DEPARTMENT OF AGRICULTURE
Bureau of Biological Survey

RECEIVED
★ OCT 1 / 1935 ★
U. S. Department of Agriculture

Wildlife Research and Management Leaflet BS-18

Washington, D. C.

*

October 1935

FEDERAL REGULATIONS ON HUNTING WATERFOWL EXPLAINED

In order to assist sportsmen to understand what is required of them under the provisions of the Federal regulations governing the taking of migratory game birds, the Biological Survey offers this simplified interpretation of the text of the regulations.

The Duck Stamp

The migratory bird hunting stamp, which may be purchased at post offices for \$1, is required to be carried on the person of any individual over 16 years of age who is engaged in hunting wild ducks, wild geese, or brant. It is necessary before hunting waterfowl for the hunter to validate the stamp by writing his signature across its face in ink. The stamp is not required for those who hunt woodcock or mourning doves. Restrictions on the purchase of the stamp have been greatly liberalized since last season. For example, a hunter finding it inconvenient to go to the nearest post office for his stamp may have someone else obtain it for him.

The money received from the sale of the stamp is used by the United States Government to purchase and improve sanctuaries for waterfowl. The funds from last season's sale amounted to nearly \$650,000.

Federal Open Seasons and State Laws

The open seasons for ducks, geese, brant, coot, and jacksnipe consist of 30 consecutive days in two zones, October 21 to November 19 in the Northern Zone, and November 20 to December 19 in the Southern Zone. No State can extend these seasons by State law or regulation. The fact that in some States the State laws show longer seasons than those prescribed by the Federal regulations does not make the killing of any of these birds legal outside the dates set by the Federal Government. Anyone hunting migratory game birds outside the Federal seasons, even if sanctioned by State law, is liable to arrest and prosecution by Federal authorities. The State law does not constitute a defense.

However, while no State can extend Federal open seasons, or increase Federal bag limits or, in short, declare it legal to do anything connected with the hunting of migratory birds that is not permitted by Federal regulations, any State can make a further restriction on any or all of these privileges. For example-A State can reduce the Federal open season of 30 days to 15, or can close the season within its borders entirely if it chooses to do so. It can reduce bag limits on ducks below the Federally prescribed limit of 10, or make any similar reduction. The simple rule for the hunter of migratory game birds to keep in mind whenever he finds a disagreement be-

tween provisions of State law and Federal regulations is this: Obey the Federal regulation when its restrictions are more severe than those imposed by State law; obey the State law when its open seasons fall within the dates set by Federal regulation and if its restrictions are more severe than the Federal regulations. Many States now have laws that make their own regulations on migratory game birds conform automatically with the Federal regulations.

Baiting

The baiting of waterfowl and doves is prohibited by Federal regulation. It is permissible to feed these birds, however, but the food must not be placed so that it will attract birds to the gun, nor may the hunter take advantage of the bait to bring his birds to his shooting either by placing his blind in the line of flight to and from the baited area, or shooting from any position where the birds are affected by the baiting. Baiting means the distribution by artificial means of any variety of food, such as corn, wheat, millet, salt, or any grain, seed, or other food, and no matter for what purpose the food is scattered, whether for domestic stock, semidomesticated fowl, or wild fowl, the hunter may not shoot at birds coming in to such food. It is, however, not prohibited to feed on one part of one's property and shoot on another if the shooting stand is sufficiently remote to allow all the birds free access to the food without being shot at. It is not illegal to shoot over grainfields, harvested or unharvested, or to build blinds in such field, provided, however, that such grainfields or crops shall not have been tampered with or grain scattered for the purpose of attracting the birds.

One inquirer has a mule farm where it is his custom to drive through the pasture with a wagon load of corn and scatter the grain for his domestic stock. Wild geese and some ducks come into the pasture and feed on the scattered grain. He asks if scattering the food is unlawful and whether or not he may shoot the game coming in to consume the feed scattered for the mules. There is, of course, nothing in the regulations to interfere with his customary practice of feeding the mules, but he may not legally shoot the migratory waterfowl either in the pasture or from any point contiguous to the pasture where the flight of birds is materially affected by the food scattered for the mules.

Use of Live Decoys is Prohibited

Live duck and goose decoys must not be placed so as to attract wildfowl either directly or indirectly. Merely to have the decoys out of sight of the wild birds is not sufficient, if their calling attracts the wild birds. The use of phonograph records in a blind, reproducing the actual calls of live wild birds, may be construed as indirectly using live decoys to attract the birds and, therefore, a violation of the intent of the law. It is, however, a new device the effectiveness of which is not yet known. If in practice it proves to be sufficiently effective measurably to increase the kill of ducks beyond the safe limits for the preservation and restoration of the species, a test case will be made and on the decision of the court the future position of the Bureau will have to stand. The use of wooden or other artificial duck or goose decoys is not prohibited.



Possession Limits

The daily bag limits on all migratory game birds are as follows:

Ducks, 10 in the aggregate.
Geese, including brant, 4 in the aggregate.
Rails and gallinules (except sora and coot), 15 in the aggregate.
Sora, 25.
Coot, 15.
Wilson's snipe (jacksnipe), 15.
Woodcock, 4.
Mourning dove, 20.
Band-tailed pigeon, 10.

There is, apparently, some confusion as to the meaning of the words "in the aggregate" as applied to bag limits on ducks, geese, and brant and on rails and gallinules. This means, for example, that a gunner may take in one day 3 black ducks, 3 mallards, and 4 teal; or he may take 10 black ducks, or 10 teal, or 10 mallards; but he must not take more than 10 of any or all kinds of ducks in a single day.

One may take 4 geese or 4 brant, or 1 goose and 3 brant, or any other combination of geese and brant, so long as the total bag is not in excess of 4 birds. The same rule applies to rails and gallinules.

A hunter may also kill 10 ducks, 4 geese or brant, and the bag limit of any other species in one day; and he may have in his possession a day's bag limit of ducks plus a day's bag limit of each of the other classifications without violation of the law.

The possession limit on all migratory game birds, including woodcock, mourning doves, rails and sora, jacksnipe, and ducks and geese is exactly the same as the daily bag limit. Birds are still "in possession" even though they have been turned over to an express company or private carrier for transportation. They are "in possession" even though they are placed in cold storage or tucked away in the refrigerator at home or at the club. A gunner may shoot 10 birds and eat 4 of them--if he can--and kill 4 more the next day but he may not kill 10, eat 2 and kill 4 more.

Autoloading and Repeating Shotguns

The Federal regulation limits the capacity of any gun used for migratory-bird shooting to a total of three cartridges at one loading. For repeaters or autoloading arms this means one cartridge in the chamber of the barrel and two in the magazine. Magazine tubes must be plugged or cut off. The restriction applies to the hunting of all migratory game birds for which Federal open seasons are provided. The Federal regulation does not apply to guns used in taking quail, grouse, pheasant, rabbit, or any species of upland game, but there may be restrictions under the State laws.

Rifles may not be used to take migratory game birds, nor any shotgun of bore larger than 10 gauge.

Other Provisions

Migratory game birds may not be bought or sold.

If a gunner employs a guide or a paddler or pusher who shoots while in the gunner's employ, the employee's bag must be counted with the employer's. Both bags together must not exceed the daily bag limit for one person.

Shooting hours each day of the open season begin at 7 a.m. and end at 4.00 p.m., Standard Time, except woodcock, rails (other than coot), band-tailed pigeons, and mourning doves, which may be taken from 7 a.m. until sunset.

Sink Boxes, Boats, and Blinds

The shooting of waterfowl from any boat or craft propelled other than by hand is prohibited, as is the device known as the "sinkbox." The sinkbox consists of a floating box or shell anchored in open water and supported by wings and weighted down so that the edges of the box are within a few inches of the water level. It is the identical device used in the past on the Susquehanna Flats and on a limited number of areas on the Atlantic coast.

The regulation does not prohibit the use of a tank or box (other than a sinkbox) sunk to water level on the shore or in the water, or the use of any other type of blind or pit not a sinkbox, so long as the artificial means of concealment is placed within 100 feet of a shore line, either island or mainland, at normal high-water mark, or within 100 feet of vegetation visible above water at the time of shooting. It is illegal to shoot under any circumstances from any sort of boat, blind, or stand at a distance of more than 100 feet from shore line or vegetation as described above. Crippled birds may be pursued to any distance and shot and retrieved, but such shooting beyond the 100 foot distance must be confined to cripples.

A sandbar that does not project above the surface of the water at normal high water could not be considered under the regulation as having a shore line of its own. It could not, therefore, furnish a basis upon which to determine the 100-foot limitation within which distance it is permissible to shoot migratory game birds from a blind, boat, or other floating craft. Unless within 100 feet of shore line, low water sandbars may not be shot from and may not be used as locations for blinds of any type. If within 100 feet of shore line at normal high water, blinds may be used on sandbars.

The shooting from an artificial pier or island built for the purpose of supporting shooting stands or blinds at distances of more than 100 feet from the normal high water mark of the natural shore line or line of vegetation is not legal, and the hunter employing such methods would be liable to prosecution for infraction of the "100-foot" regulation.

Upon conviction of violation of any regulations under the Migratory Bird Treaty Act, the offender is liable to a fine of \$500, or to be sentenced to 6 months in jail, or to both fine and jail sentence.

A statement of Federal open seasons and a synopsis of hunting restrictions is displayed in all post offices. Full text of the law and regulations may be obtained free upon request directed to the Chief, Bureau of Biological Survey, Washington, D. C.

